To the Hon: ye Senate & ~~ye~~ ye House of Representatives in General Assembly met —
The Memorial of the Rector, Ch. Wardens & Vestrymen of the United Churches of C. Ch. & St. Peters Ch. in the City of Phila. in the late province but now State of Pennsylvania

Respectfully sheweth

That your Memorialists, in their Corporate Capacity, as Representatives of the Protestant Episcopal Congregations of Christ Church & St. Peters, as well as in their Individual Capacity, respecting the sacred Rites ~~rights~~ of Christian Interment, are greatly alarmed and hurt in their most tender Feelings, by the Perusal of the 21st. last Section of a Bill published for Consideration, entitled an Act for establishing a Health Office ~~on~~ &c —

That ~~although~~ your Memorialists highly approve of and applaud the paternal Wisdom & Care of the Legislature for "securing the City & "Port of Philadelphia from the Introduction of Pestilential and Contagious Diseases" and will be happy as Citizens to see ~~the said Bill~~ a Law enacted ~~for~~ by which ye said desireable Object shall be ~~effected~~ accomplished ~~passed into act and, with such Improvement & Amendments, as the Wisdom of Legislature may direct and so far as the public Property of the State or the Property of Individuals can be constitutionally applied appropriated for carrying into Effect so a Measure of such a salutary Nature; and are desirous that the said that, and such an Constitutional appropriation of public as well or private Property as the~~ and such Constitutional appropriation of public ~~&~~ and private Property for carrying of same into Effect, ~~such a~~ Salutary Measure as the Wisdom of the Legislature may direct —

That your Memorialists conceive this good Purpose may be best answered, by expunging the said 21st. Section relating to Burying ~~Grounds~~, for the following ~~& many other Reasons that might be suggested~~ —

1. Because the said Section is of a detached Nature, and so many valuable ~~valued and~~ sacred Interests are involved ~~complicated~~ in it, that it ought to be the Object of a separate Law, + ~~in as much as the said~~ The Section, in its present Form ~~Section~~ it cannot, we conceive, be passed on constitutional Principles without such numerous Amendments, as would retard the Progress of ~~the immediately essential Parts passing~~ the Bill, for the immediate & essentially necessary Establishment of a Health Office, upon the improved Principles therein contemplated, to such a Length of Time, that the Bill may probably be defeated during the present Session of the Legislature –

+ if there be Occasion for Legislative Interference to that Head,

2. Because, in the Opinion of able Physicians, + ~~as well as from~~ the Experience of the City of London, in which more than for a Century past ~~past~~ since the great ~~Plague~~ Plague there, no Infection has been occasioned by Means of the burying Grounds; ~~when~~ most of which even in the most populous Parts of the City continue in Use, as at that Day –

+ There exists no such Danger as to demand such Measure in contemplation; the said addition, ~~and~~ may be unnecessary

3. Because many of the Burying Grounds in the City of Philadelphia, particularly those of Christ Church and St. Peters, contain much vacant Room for new Graves, and both of them are capable of being filled up with three ~~[illegible]~~ or four feet of Earth above the old Graves, where Families may chuse to have the Ashes of their deceased Relatives deposited near or upon the Spots containing the Ashes of their Ancestors –

3. Because the said 21st. Section, by one ~~short & sweeping~~ general blank Clauses ~~contains some Principles~~ enacts what is in [?] not only unwarranted by the Constitution, but ~~so shocking to Humanity~~ even wounding to the Feelings of Humanity; in as much as ~~as it ordains~~, without Proof of any public Necessity, ~~but merely from an Ideal Prospect of Ornament to the City, to wrest~~ it Wrests ~~the Use of~~ those Burying Grounds from the ~~sacred~~ Uses for which they were purchased & improved ~~or obtained~~ at great Expence & which are secured [?] in our Charters of Incorporation ~~& have been held in Time past~~, without offering any Equivalent, or providing any other Grounds in their Stead; and even ordaining further, under ~~severe~~ a Penalty, that any

" Corpse buried or attempted to be buried, shall by Directi
" on of the Health Officer, at the Charge & Cost of each &
" every Person offending, be ~~(dug up [illegible]~~ removed ~~[or which is the same dug up if buryed]~~ and interred in some convenient Place without the City." ~~which Place may be as in the high Way, if the Health officer shd~~ at the same Time that ~~as~~ no Provision is made by the public for ~~that end~~ any other Place; and nor for ~~Families~~ [?] the Proprietors of the present burying Grounds ~~have~~ with Means to purchase other Grounds; ~~because~~ For altho it is held forth in the ~~same Section~~ of the Bill, "that the Burial Places now within the Boundaries of the City shall be applied to such Uses, other than Places of Burial as the lawful Owners may direct", yet there are no other Uses to which they can ~~be~~ [illegible] ~~applied unless it may be presumed that all the [illegible] [illegible] Houses over the Bones of their [illegible]~~

~~Your Memorialists~~ we ~~the owners~~ can apply ~~the~~ our Burying Places, ~~unless it can be presumed that they may agree~~ as we cannot think ~~at some future Day~~ it to convert them into Lots for Buildings, & may dig up the Bones of ~~their~~ our Ancestors—

Your <u>Memorialists</u> will never be averse to any well-digested Law for this Purpose, which may be considered as tending either to the general Use or ~~even~~ Ornament of the City; nor, till that can take Effect, are they averse to any legal Restrictions in the Use of their Burying Places, which may prevent the opening of Graves, unless with the License of the Health Officer & Physicians that may be appointed for his Assistance, in Case of imminent Danger, of any future Contagious Disorder by Means of Burials, which may GOD, of his infinite Mercy, prevent—

In the mean Time they <u>pray</u>—

~~That the~~ Bill for establishing a Health Office may be passed, without the said 21st. Section, & with a <u>Provision</u> only, if judged necessary for restricting Burial as aforesaid in Cases of imminent & legally declared Danger; without any other Restrictions in the Use of their Property, when it can be used with Safety to the Public, according to ~~the~~ those pious Purposes for which the said Burying Grounds were originally set apart and consecrated—

While your Memorialists object
to ye said Clauſe; they declare, that
they are not averſe to any well
digested Regulations, which shall be
found neceſsary for ye better securing of ye
Healthfulneſs of ye City.

Your Memorialists, for ye Reaſons
given, pray, that ye aforesaid 21. Section
of ye said Bill ~~before your Honble House~~
may not be enacted.

And your Memorialists will pray

— Memorial to —

— Legislature —

relative to Grave Yard.